

REGULAR MEETING AND PUBLIC HEARING
OF THE CITY OF FALLS CHURCH PLANNING COMMISSION

5 June 2006
Council Chamber

1. CALL TO ORDER: Chair Rodgers called the meeting to order at 7:53 PM.

2. ROLL CALL:

Members Present:	Ms. Budetti
	Ms. Fauber
	Mr. Puentes
	Ms. Rodgers
	Ms. Sanders

Members Absent:	Mr. Burnett
	Mr. Holran

Administrative Staff Present:	Ms. Friel, General Manager of Development Services/ Planning Director
	Mr. Fuller, Principal Planner

3. PLANNING COMMISSION REPORTS: None.

4. RECEIPT OF PETITIONS:

Hal Gann (401 E. Jefferson St.) provided copies of his property's plat to the Commission. He thanked the Commission for opposing legislation to eliminate pipestem lots entirely and for Ms. Budetti's suggestion that one set of rules for new residential development would apply to all property owners. Mr. Gann expressed support for the Planning Commission's Zoning Ordinance Revisions Subcommittee's (ZORS) recent comments concerning height and impervious coverage. He advised that the suggested additional 10-foot setback for pipestem lots was unfair as it created a building envelope that was too narrow to build. Additionally, Mr. Gann expressed his belief that it was unfair to enact special rules for pipestems before development rules for all new homes were in place.

In response to Ms. Sanders's questions, Mr. Gann explained the irregular shape of the rear of his lot, and the various colored examples of building envelopes under various setback requirement scenarios.

5. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

Ms. Friel reported that the Commission had a full agenda for this evening, followed by another worksession on pipestem regulations. On 19 June, a joint City Council/Planning Commission

worksession is scheduled for 7 PM to discuss a concept plan for the Gateway Plaza area (500 block of North Washington Street), followed by the Commission's regularly scheduled meeting, to begin at 8 PM. At that meeting, the Commission will consider the Pipestem Ordinance for the final time, and will receive a presentation by the Assistant City Manager on the Open Space Acquisition Task Force's report. Following the meeting, the Commission's Zoning Ordinance Review Subcommittee (ZORS) will discuss affordable housing strategies.

Ms. Friel highlighted the written monthly report contained in the Commission's package. She noted that it would be a busy summer, particularly for Zoning Ordinance amendments. Some issues would be scheduled for adoption in October and other issues will wrap up quickly.

Ms. Friel advised that she had provided an informational package on how Council made a decision on Railroad Avenue, as requested. This information will be discussed at the Commission's next meeting.

In response to Ms. Sanders's inquiries, Ms. Friel reported that The Broadway developer had signed a new lease with Hollywood Video. Either the City crew or the developer will remove the 20-minute limit parking signs on site within the next week or so. Other compliance issues continue to be discussed. She advised that staff had held a meeting last Friday to discuss all noncompliant sites. Monitoring and enforcing compliance is a time consuming process. A report to update the Commission and the Council on the noncompliant sites will be prepared soon.

6. OLD BUSINESS:

A. SUBDIVISION SD06-0193, 1017 SPRUCE STREET

Ms. Friel noted that this item was continued from the Commission's last meeting. The brief staff report provided in the Commission's package included the list of outstanding items for clarification and suggestions for improving the lot to be created. Staff requests that this item be continued until 19 June to permit the applicant time to prepare and to submit a revised plat.

The Chair opened the item to the public. Joyce Berg (1002 Ellison Sq.) requested clarification on the side yard setback proposed by staff and how setbacks are calculated for a triangular-shaped lot. Hearing no further response, and having received no written comments, the Chair closed the item to the public. Chair Rodgers advised that Ms. Berg's questions would be addressed in the next staff report on this issue.

MOTION: Ms. Fauber moved, and Ms. Sanders seconded, to continue Subdivision SD06-0193 until the Commission's next meeting on 19 June 2006.

Upon roll call vote, the motion passed unanimously.

B. SUBDIVISION SD06-0196, 407 AND 409 LINCOLN AVENUE

Adam Been, applicant; and Reed Dudley, civil engineer; were present.

Mr. Fuller reported that the Planning Commission had held a public hearing and granted preliminary approval of this subdivision at its 15 May 2006 meeting. Commissioners had questions concerning setbacks for the new lots to be created and the orientation of future dwellings, and suggested that the applicant correct the spelling of an adjacent property owner's name on the plat.

The Zoning Administrator reviewed the plat again and advised that the setbacks between the proposed Lots 6A and 6B were determined to be configured correctly and met all City zoning regulations. The plat has been corrected to reflect the proper spelling of the adjacent property owner's name. The City Code does not regulation "front door" orientation and this issue is not relevant to this application. The siting of future homes is reviewed and determined at the grading plan permit development stage.

Mr. Dudley advised that the plat had been revised for the misspelling and that he was available to respond to any questions from the Commission.

The Chair opened the item to the public. Hearing no response, and having received no written comments, the Chair closed the item to the public.

In response to Commissioners's questions, Mr. Fuller stated that the required 40-foot setback for Lots 6A and 6B is measured from the rear lot line of Lot 5A; the 'wedge' of one rear lot to the pipestem is not calculated to achieve the 40-foot setback. Mr. Dudley advised that the 30-foot front setback shown on Lot 5A includes a sanitary sewer line easement and a public use easement. The 30-foot front setback line is appropriate for the record plat. Any new house cannot be sited over an easement; the setback line and the building envelope depicted do not establish the building footprint. Ms. Friel concurred that the building envelope shown is likely larger than any building permitted for that lot, as other development rules and regulations will apply. The building envelope is simply a starting point for development. Ms. Sanders expressed her belief that the building envelope should not be shown over the easement, as it creates confusion.

MOTION: Mr. Puentes moved, and Ms. Budetti seconded, to grant final approval to Subdivision SD06-0196.

Discussion:

Ms. Sanders suggested that the motion be amended to include that the adjacent property owner's name be spelled correctly on the plat before the plat is recorded. Mr. Fuller advised that revised and corrected plats were submitted this evening. The Commission's final approval should include a reference to the plats dated 5 June 2006.

AMENDED MOTION:

Mr. Puentes moved, and Ms. Budetti seconded, to grant final approval to Subdivision SD06-0196, which reflects the revised spelling of an adjacent property owner's name, as shown on Plat 6.B. distributed this evening.

Upon roll call vote, the motion passed unanimously.

7. NEW BUSINESS:

- A. **TR6-19. A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF FALLS CHURCH, VIRGINIA, TO CHANGE THE DESIGNATION OF 0.66 ACRES OF LAND LOCATED IN THE 1000 BLOCK OF WEST BROAD STREET FROM "MIXED USE" TO "PARKS AND OPEN SPACE" ON THE CITY'S FUTURE LAND USE MAP.**

and

T06-08. AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF FALLS CHURCH, VIRGINIA, BY REZONING APPROXIMATELY 0.66 ACRES OF LAND LOCATED IN THE 1000 BLOCK OF WEST BROAD STREET FROM B-1, LIMITED BUSINESS DISTRICT, TO R-1B, MEDIUM DENSITY RESIDENTIAL DISTRICT.

Ms. Friel reported that the site adjacent to West End Park was split in 2005, with one-half (Parcel A) added to the Park and one-half (Lot 1) approved for the development of the West End View project. The West End View project became defunct in January 2006. In February, the City Council adopted Resolution TR6-11, Resolution Declaring the Intention of the City Council to consolidate "Lot 1" Into West End Park, and referred the item to the Planning Commission for a recommended course of action. The Planning Commission considered the Resolution in April and supported the action and associated processes. However, the Commission also suggested that retaining the commercial zoning on Lot 1 might make sense in the long-term to preserve the potential to trade development rights for enhancements in the Park. The City Council was clear at First Reading of Resolution TR6-19 that R-1B zoning for this parcel was preferred strongly.

The parcel, Lot 1, is 0.66 acres in size. Resolution TR6-19 would redesignate this lot on the Comprehensive Plan Future Land Use Map from "Mixed Use" to "Parks and Open Space". Ordinance T06-08 would rezone the parcel from "B-1, Limited Business District" to "R-1B, Medium Density Residential", which is typical for parkland.

The staff report contained comments from the Historic Architectural Review Board, the Tree Commission, and a member of the Housing Commission, all of which were favorable generally. Comments received from Joseph Bodmer and Dave Mercer after the staff report was prepared were distributed this evening. Mr. Bodmer is a member of the Housing Commission, and expressed his individual opinion that the land could be used for affordable housing. Mr. Mercer supported the proposal.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council on the Comprehensive Plan amendment and on the Rezoning. These two actions would nullify the Comprehensive Plan and the Zoning Map amendments that were enacted in 2005. The plat presented should be corrected to show that the owner of Lot 1 is the City of Falls Church instead of the Volunteer Fire Department.

The Chair opened the item to the public.

1. Kathryn Kleinman (203 Grove Ave.) supported the legislation proposed. She advised that Mr. Mercer had shared his letter with neighbors and that he supported strongly the proposal. Ms. Kleinman noted that much is known about this property: it has a high water table; it is a buffer to the W&OD Trail and to power lines; it contains buried telephone lines; and it is challenged for commercial development. She advised that this parcel has been planned for parkland for over 30 years. There will be closure for the community with acquisition of this last parcel, which will make a full, complete, and beautiful park. Ms. Kleinman thanked the Planning Commission for saving this stunning space.

2. Joyce Berg (1002 Ellison Sq.) thanked the Commission for its time and effort on this project and expressed her support for both actions proposed. She recommended that the parcel be rezoned to R-1B to be in keeping with the neighborhood's character.

3. Donald Hunt (322 Grove Ave.) advised that he had resided in the City for over 40 years. He thanked those supporting a designation change for the subject parcel. Mr. Hunt stated that there were once a number of open spaces in the community, but nearly all of them had been lost to development. The northwest quadrant of the City was without increased parkland for a number of years. The community is now on the threshold of achieving the dream of a full park. Mr. Hunt requested the Commission's support of the proposal.

Hearing no further response, and having received no further written comments, the Chair closed the item to the public.

In response to Commissioners's inquiries, Ms. Friel agreed that the City is the owner and the applicant for this legislation. Another plat needs to be prepared and recorded to indicate the City's ownership of the subject parcel. The revised plat would be presented to the Commission for a Subdivision-Consolidation approval. Staff advised Council that such an action is needed, but a funding source for surveying and plat preparation needs to be identified.

Mr. Puentes advised that Council had established the Open Space Acquisition Task Force (OSATF), which had established criteria for the use of any parcels to be acquired. No criteria for this parcel were articulated in the staff report. He noted that the action before the Commission was the first test of the OSATF's efforts and wondered whether the Commission should await the Assistant City Manager's presentation on 19 June before acting on the legislation. Mr. Puentes expressed his belief that it would be a natural connection to have a basis of acquisition and use for the parcel.

Ms. Friel noted the City Council had scheduled and advertised the Resolution and the Ordinance for action at its 12 June meeting. This parcel is scheduled for master planning in the Fall. She advised that Council had not yet adopted the OSATF's report.

Ms. Fauber expressed her belief that a lack of acquisition criteria had no impact on any decision on the legislation, but might impact the master planning of the parcel. She reiterated her support for retaining the B-1 zoning to trade potential density elsewhere, not for any redevelopment of the subject parcel. Ms. Fauber stated that the parcel need not be zoned residentially for parkland.

Ms. Sanders expressed appreciation that this site is in the process for master planning, but the action before the Commission does not pertain to the OSATF's mission. The parcel is City-owned, the City had taken admirable steps to address affordable housing on the site, but this site is not the best site for such a use. She expressed support for rezoning to a lower density.

MOTION: Ms. Budetti moved, and Ms. Fauber seconded, that the Planning Commission recommend approval of Resolution TR6-19 to the City Council.

Upon roll call vote, the motion passed unanimously.

MOTION: Ms. Budetti moved, and Mr. Puentes seconded, that the Planning Commission recommend approval of Ordinance T06-08 to the City Council.

Discussion:

Ms. Sanders inquired if the motion maker and the seconder would be receptive to amending the motion to recommending the City to vacate the lot line and to consolidate the parcels. **Ms. Budetti accepted the amendment.** Mr. Puentes accepted the amendment, contingent that the justification of the OSATF criteria be met at the time of consolidation. Ms. Sanders noted that the OSATF's criteria had not yet been established. **Mr. Puentes did not accept the amendment. Ms. Budetti withdrew the motion.**

MOTION: Ms. Budetti moved, and Ms. Sanders seconded, that the Planning Commission recommend to the City Council approval of Ordinance T06-08, and that Lot 1 be consolidated with (the adjacent) Parcel A.

Discussion:

Mr. Puentes advised that he favored enlarging the Park, but sought the opportunity to apply the OSATF's criteria to the parcel. Chair Rodgers noted that this raises the issue that it is time to adopt the Task Force's report.

Upon roll call vote, the motion passed 3-2 (Ms. Fauber and Mr. Puentes voted 'no').

B. TR6-20. A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF FALLS CHURCH, VIRGINIA, TO CHANGE THE DESIGNATION OF 0.34 ACRES (14,963 SQUARE FEET) OF LAND LOCATED AT 110 GREAT FALLS

STREET FROM “LOW DENSITY RESIDENTIAL” TO “TRANSITIONAL” ON THE CITY’S FUTURE LAND USE MAP.

and

T06-09. AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF FALLS CHURCH, VIRGINIA, BY REZONING APPROXIMATELY 0.34 ACRES (14,963 SQUARE FEET) OF LAND LOCATED AT 110 GREAT FALLS STREET FROM R-1A, LOW DENSITY RESIDENTIAL DISTRICT, TO T-1, TRANSITIONAL DISTRICT.

David Tarter, attorney with Lawson, Tarter and Charvert; and Chandler Fox, Foxcraft Investment Group, LLC, and applicant; were present.

Mr. Fuller reported that the applicant seeks a Comprehensive Plan Future Land Use Map amendment and a rezoning of the subject site to use the property as a professional office. The City Council gave First Reading to the Rezoning and to the Ordinance on 8 May and referred the items to all boards and commissions for comment. Second Reading and adoption by the Council is scheduled for 12 June 2006.

The site is approximately 14,964 square feet, or 0.34 acres. The property is designated “Low Density Residential” on the adopted Comprehensive Plan’s Future Land Use Map. The site is zoned R-1A, Low Density Residential, and the structures on the property are designated historic under the City’s Historic and Cultural Conservation Ordinance.

The applicant, Foxcraft Investment Group, LLC, is a small architectural/design-build firm and has made the following proffers:

1. The owner agrees to limit the use of the property to residential or professional office, as permitted in the T-1 District as of December 10, 2005.
2. The owner agrees that no parking shall be permitted in the “No Parking Zone” on the plans submitted in connection with the rezoning application.
3. The owner agrees that it will preserve the existing historic structures, subject to Proffer 4.
4. The owner agrees that any additions or renovations to the existing structures will be done in a manner that is architecturally compatible with the historic nature of the structures. The owner agrees that no additional (third) story shall be added to the structures. No addition to the main structure (excluding the garage) shall be permitted which extends closer than 66-feet from the rear property boundary and closer than 41-feet from the side property boundary with 116 Great Falls Street.
5. The owner agrees that it will not reduce the existing screening elements to less than five feet (5’) in height along the border of the Property.
6. The owner agrees that no additional driveways, parking, or new development shall be permitted on the westerly side of the front yard of the Property (abutting 116 Great Falls Street).

Staff reviewed the applications using the Planning Commission’s established criteria to determine whether a Comprehensive Plan amendment should occur. The criteria are: significant changes have occurred in the area of concern since the adoption of the plan as amended; the adopted plan contains provisions which unreasonably limit the ability of the City to achieve the

objectives of the plan; or oversights or inconsistencies are contained in the adopted plan as they affect the area of concern.

Staff finds that significant change has occurred in the area. These changes are based primarily on the Columbia Baptist Church's (Church) acquisition of single-family homes, demolition of some of these homes, and the filing of a preliminary site plan amendment for a large parking lot adjacent to the subject site and other sites on North Maple Avenue. Specifically, the adjacent property located to the east of 110 Great Falls Street contained a single-family residence. That structure was purchased by the Church and demolished in 2005. The site plan amendment filed by the Church proposes that that adjacent site contain a surface parking lot.

Given the changed land use patterns, a transitional designation of the subject site would permit this property to serve as a buffer between the proposed commercial use (parking lot) to the east and the existing residential use on the west. Since the structures on the subject property will retain their historic appearance in accordance with the proffers proposed, they will continue to look like a residential use and to maintain the look and feel of the street. The property at 110 Great Falls Street can serve as a highly effective buffer, particularly with the proffered limits on use and the preservation of the residential and historic character.

The applicant submitted all required rezoning application materials plus additional items specific to the rezoning conditions for review by the City Council. The applicant submitted a conceptual development plan indicating the location of the existing buildings, the location of surface parking, and the location of new landscaping proposed, pursuant to Section 38-4(d) of the City Code. The applicant also submitted a statement explaining the project and the rationale for the rezoning. The zoning regulations are satisfied concerning yard setbacks and parking, which are shown on the conceptual plan.

A Comprehensive Plan amendment and rezoning would be consistent generally with the intent of the 2005 Comprehensive Plan's goals and strategies. If the Comprehensive Plan amendment and the rezoning were approved, then the applicant would be required to submit a site plan.

The applicant has met the stated criteria and requirements for a rezoning and for a Comprehensive Plan amendment. Staff supports the applicant's Statement of Justification and conceptual plan, as submitted. There are no outstanding technical issues with either application; any remaining issues can be resolved during the site plan process. Staff recommends that the Planning Commission recommend to the City Council approval of this project.

Mr. Tarter noted that he and the applicant are present and available to answer questions. Mr. Fox looks forward to relocating his business to this site and has worked hard to minimize any impact through the proffers. He circulated photographs of the subject site to the Commission.

The Chair opened the item to the public. David Snyder (116 Great Falls St.) thanked the Commission for its excellent discussion and action on the rezoning and Comprehensive Plan amendment for the City-owned parcel adjacent to West End Park.

Mr. Snyder advised that it was unusual for a neighbor to support a rezoning to permit a business on an adjacent site. However, he supported this particular application because it preserves historic structures, which will be important over at least the next 20 years, on a very attractive property. The site contains several large trees and is a lovely piece of ground. The rezoning will provide commercial tax revenue. The rezoning will protect the neighborhood, which is somewhat fragile, through the appearance and buffers of the property. He expressed his belief that this rezoning would set a positive precedence through sensitivity to the adjoining areas, preserving the existing features, minimizing impervious surface, and minimizing disruption.

Hearing no further response, it was noted that the Commission had received the following written comments at the dais: a draft memorandum from the Environmental Services Council in support; an email from Don Brobs, a Housing Commissionmember, in opposition; and a letter from Joseph Bodmer, a Housing Commissionmember, in support. The Chair closed the item to the public.

Ms. Fauber stated that she would not cast a vote on this issue as she had a fiscal role with the applicant. She noted that she is a neighbor and has owned two properties off North Maple Avenue. Ms. Fauber concurred with Mr. Snyder's comments and reported that her neighbors feel assaulted by the Church and its activities.

In response to Commissioners's questions, Mr. Fuller concurred that the Arborist noted that a site plan waiver would be required. The waiver would relate to the landscape buffer adjacent to the parcel on the east. Four new parking spaces plus one handicapped space would be installed. The dashed line on the plat represents a 'no build' zone. The Commission's approval motion should reference the proffers listed in the staff report dated 31 May 2006. These proffers would carry forward to any future site plan. The Tree Commission's comments concerning a dark sky are addressed appropriately with the site plan review. The existing landscaping will not only be preserved in place, but at a minimum, at its current height. Only a single-family residential use is permitted in the T-1 District. The Historic Architectural Review Board (HARB) has authority to review future alterations to the existing structures; both the residential structure and the garage are protected. The HARB's authority could be clarified in the proffer statement if the Commission so desires. Impervious coverage will be addressed during the site plan review; staff has raised this concern with the applicant and that is the reason that gravel will be used on a portion of the site. The existing brick driveway only extends to the gate; there is a grass/dirt driveway to the garage.

MOTION: Ms. Sanders moved, and Ms. Budetti seconded, that the Planning Commission recommend to the City Council approval of TR06-20 and approval of T06-09, subject to the following clarifications of the proffers, as stated in the staff report dated 31 May 2006:

(Note: The underlined text indicates the clarifications of the proffers.)

1. The owner agrees to limit the use of the property to single-family residential or professional office, as permitted in the T-1 District as of December 10, 2005.
2. The owner agrees that no parking shall be permitted in the "No Parking Zone" on the plans submitted in connection with the rezoning application.

3. The owner agrees that it will preserve the existing historic structures, subject to Proffer 4.
4. The owner agrees that any additions or renovations to the existing structures will be done in a manner that is architecturally compatible with the historic nature of the structures. The owner agrees that no additional (third) story shall be added to the structures. No addition to the main structure (excluding the garage) shall be permitted which extends closer than 66-feet from the rear property boundary and closer than 41-feet from the side property boundary with 116 Great Falls Street. The Historic Architectural Review Board has authority to approve any additions or renovations to the existing structures.
5. The owner agrees that it will not reduce the existing screening elements to less than five feet (5') in height along the border of the Property.
6. The owner agrees that no additional driveways, parking, or new development shall be permitted on the westerly side of the front yard of the Property (abutting 116 Great Falls Street).

Chair Rodgers asked if the applicant would accept the clarifications suggested. Mr. Tarter indicated that the clarifications were acceptable.

Upon roll call vote, the motion passed 4-0-1 (Ms. Fauber abstained).

8. OTHER BUSINESS: None.

9. MINUTES FOR APPROVAL: The Minutes of 1 May 2006 were approved as amended. The Minutes of 15 May 2006 were approved as presented.

10. ADJOURNMENT:

Ms. Sanders moved, and Mr. Puentes seconded, to adjourn. The motion passed by voice vote and the meeting adjourned at 9:29 PM. Immediately following the meeting, the Planning Commission met in a worksession to discuss Ordinance T06-05, Pipestems.

Respectfully Submitted,

Noted and Approved:

Debra L. Gee
Recording Secretary

Elizabeth R. Friel, AICP
Planning Director

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